

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

IN RE:)

MATTHEW LAUDIG

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Debtors.

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CASE NO. 19-22676

CHAPTER 13

STIPULATION OF FACTS

The Debtor, Matthew Laudig, and the Creditor, Brian Hecimovich, and pursuant to the Court's Order of March 18, 2020 file this Stipulation of Facts and Legal Issues.

Facts

1. The Debtor filed for Chapter 13 Bankruptcy Relief on September 25, 2019 and listed real estate located at 807 E. Ridge Road, Gary, Indiana ("Real Estate") as an asset of the bankruptcy estate.

2. On September 11, 2018, the Real Estate was sold to the Lake County Commissioners via a Tax Sale Certificate. (Tax Sale Certificate - Exhibit "A").

3. On March 21, 2019, the Real Estate was sold pursuant to I.C. 6-1.1-24 by the Lake County Commissioners. The Lake County Commissioners assigned the Tax Sale Certificate to the Creditor/Tax Purchaser. (Assignment of Commissioner Owned Tax Sale Certificate - Exhibit "A")

4. The Assignment served upon the Debtor indicated that the redemption period would expire on July 19, 2019.

5. The Debtor did not redeem the real property from sale prior to July 19, 2019. The Debtor is not stipulating that the tax sale statute has been complied with and does not waive his

right to assert compliance with the Indiana tax sale statutes as it relates to notices and redemption period.

6. On August 20, 2019, Creditor/Tax Purchaser filed a “Verified Petition for Order Directing the Auditor of Lake County, Indiana to issue Tax Deed”. (Verified Petition – Exhibit “B”)

7. The hearing on Creditor’s/Tax Purchaser’s “Verified Petition for Order Directing the Auditor of Lake County, Indiana to issue Tax Deed” was set for September 26, 2019. (Order Setting Hearing - Exhibit “C”)

8. The hearing on September 26, 2019, was not conducted, no tax deed was issued to Creditor because the matter was stayed by Debtor’s filing of his bankruptcy petition.

9. Debtor had not redeemed the real property from sale prior to the filing this bankruptcy petition, and the Real Estate remained in the name of the Debtor as of the date of the filing of the bankruptcy petition. (See the Lake County Property Card - Exhibit “D”).

Legal Issues

If the redemption period has expired under the Indiana tax sale statutes, whether the Debtor, whose real property was sold at an Indiana Tax Sale, has the right to treat the Tax Purchaser’s claim and the real property in a chapter 13 plan when, under Indiana Law, the Tax Purchaser has not obtained a tax deed prior to the commencement of the debtor’s bankruptcy case.

Documents submitted in Support

1. Tax Sale Certificate/Assignment of Commissioner Owned Tax Sale Certificate - Exhibit “A”
2. Verified Petition – Exhibit “B”
3. Order Setting Hearing - Exhibit “C”

4. Lake County Property Card - Exhibit "D"

Matthew Laudig

Brian Hecimovich

/s/Ricardo B. Casas

RICARDO CASAS,
ATTORNEY FOR DEBTOR

/s/David Blaskovich

DAVID BLASKOVICH,
ATTORNEY FOR CREDITOR